

Sheriffs (Ireland) Bill.

[AS AMENDED BY STANDING COMMITTEE A.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Appointment and tenure of under-sheriffs.
2. Powers and duties of under-sheriffs.
3. Disqualifications.
4. Oath and security.
5. Remuneration of under-sheriffs.
6. Fees in civil bill proceedings.
7. Civil bill court interpleader.
8. Power of county court judges to enforce performance of duties of under-sheriffs.
9. Salaries of process servers.
10. Adaptation of enactments.
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SCHEDULE.

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B I L L

[AS AMENDED BY STANDING COMMITTEE A]

TO

Amend the Law relating to the offices of Sheriff and Under-Sheriff in Ireland; and for other purposes incidental thereto. A.D. 1920.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1.—(1) From and after the appointed day appointments to the office of under-sheriff shall be made by the Lord Lieutenant instead of by the sheriff, and an under-sheriff shall be appointed by the Lord Lieutenant for each county and county borough. Appointment and tenure of under-sheriffs.

(2) Every under-sheriff appointed under this Act shall hold office during the Lord Lieutenant's pleasure, and his tenure of office shall not be affected by the appointment of a new sheriff.

15 (3) A person shall not be appointed to the office of under-sheriff under this Act unless he is an existing under-sheriff, or a practising barrister of not less than five years' standing, or a practising solicitor of not less than five years' standing, or a person who, for not less than five years, has acted as manager, chief clerk, or assistant of an under-sheriff.

20 2.—(1) Subject to the provisions of this section, all the powers and duties of the sheriff of a county or county borough (including his powers and duties as returning officer) shall be transferred to and be exercised and performed by the under-sheriff appointed for the county or county borough under this Act, and the sheriff shall not be liable for, or in respect of, any act or default of the under-sheriff so appointed. Powers and duties of under-sheriffs.

(2) Notwithstanding the appointment of an under-sheriff under this Act, the sheriff shall continue to discharge the

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A.D. 1920, duties of a sheriff in connection with the reception of and attendance upon judges or commissioners at assizes (including winter assizes) and commissions of oyer and terminer, and in connection with the selection of persons to serve as grand jurors at such assizes or commissions, and shall be assisted by the 5 under sheriff in the performance of those duties.

Disqualifi-
cations.

3. An under-sheriff appointed under this Act shall (in addition to any other disqualifications) be disqualified for being elected, chosen, or being, a member of any county borough council, county council, or district council, or a town commissioner 10 or poor law guardian.

Oath and
security.

4. Every under-sheriff appointed under this Act shall, before entering into the execution of his office, take the oath by law required to be taken by under-sheriffs and give security for the due performance of the duties of his office to such amount 15 and in such manner as may be prescribed by the Lord Chancellor.

Remunera-
tion of
under-
sheriffs.
6 & 7 Will. 4.
c. 116.

5.—(1) The salaries payable to sheriffs by county borough councils and county councils under section one hundred and ten of the Grand Jury (Ireland) Act, 1836, shall, in the case of 20 under-sheriffs appointed under this Act, be annual salaries of the respective amounts specified in this section, which shall be deemed to include allowances for clerical assistance, and be payable to the said under-sheriffs as follows, namely:—

(a) to the under-sheriff of the county borough of Dublin, 25 three hundred and fifty pounds;

(b) to the under-sheriff of every other county borough, two hundred and fifty pounds; and

(c) to the under-sheriff of every county, two hundred 30 pounds;

and for the purposes of this provision the said section, as so amended, shall apply to the county borough of Dublin as well as to every other county borough.

(2) The following sums shall be paid annually out of moneys provided by Parliament to the under-sheriffs appointed under this 35 Act:—

(a) to the under-sheriff of the county borough of Dublin, the sum of two hundred and fifty pounds;

(b) to the under-sheriff of every other county borough, the sum of one hundred and fifty pounds; and A.D. 1920,

(c) to the under-sheriff of every county, the sum of two hundred pounds.

- 5 (3) Where one person is appointed under this Act to be under-sheriff for two or more counties, the amount of the annual salary payable to him by the council of each of those counties shall be one hundred and fifty pounds, and the amount of the annual sum payable to him out of moneys provided by Parlia-
 10 ment in respect of each county shall be one hundred and fifty pounds instead of the respective amounts specified in the foregoing provisions of this section.

6.—(1) In all actions and proceedings by civil bill under the Civil Bill Courts Procedure Amendment Act (Ireland), 1864,
 15 as amended by any subsequent enactment, the fees specified in the schedule to this Act shall be payable to under-sheriffs appointed under this Act in addition to the fees specified in Part II. of Schedule (B) to the said Act. Fees in civil bill proceedings.
27 & 28 Vict. c. 99.

(2) The power of making rules and orders under section
 20 seventy-nine of the County Officers and Courts (Ireland) Act, 1877, shall be extended so as to include power to make rules and orders for prescribing the fees to be payable to, or receivable by, under-sheriffs for the discharge of any duties under any enactment relative to civil bill courts, and for
 25 altering or varying the rates of fees payable or receivable by them under any such enactment or under this section. 40 & 41 Vict. c. 56.

7.—(1) Where a claim to or in respect of any goods or
 chattels taken in execution under the process of a civil bill
 court is made by any person other than a person against whom
 30 the process is issued, the under-sheriff may, subject to rules of court, cause a civil bill (in this section referred to as an interpleader civil bill) to be served upon the claimant and the execution creditor (in this section referred to as the parties) calling upon them to appear at the civil bill court and to
 35 maintain or relinquish their respective claims. Civil bill court interpleader.

(2) An interpleader civil bill shall be returnable to the civil bill court having jurisdiction in the place where the seizure was made, and may be served upon the claimant and execution creditor in any part of Ireland, and may be served

A.D. 1920, on an execution creditor not in Ireland by serving the solicitor on record for him.

(3) The county court judge shall have power on an interpleader civil bill:—

- (a) to adjudicate upon the claim and to make such order 5
in respect thereof between the parties as he thinks fit;
- (b) in the event of the claim of any party being withdrawn
or in the event of any party failing to appear, to
make such order as between the parties and as
between the parties or any of them and the under- 10
sheriff, as he thinks just;
- (c) to adjudicate upon any claim of the parties or either
of them against the under-sheriff arising or capable
of arising out of the execution of the process, and
to make such order in respect thereof as he thinks fit; 15
- (d) to order the sale of all or any of the goods and chattles,
and to direct the application of the proceeds in such
manner and upon such conditions as he thinks proper;
- (e) to give directions as to the disposal of any money
deposited with the under-sheriff or the realisation 20
of any security given to him;
- (f) to hear and determine any claim of the under-sheriff
for fees and expenses and order the same or such
part thereof as he thinks just to be paid by the
claimant or by the execution creditor; and 25
- (g) to make such provision as he thinks proper for the
payment of the costs of the proceedings and for any
other matters arising in connection therewith, whether
as between the parties or any of them or as between
the under-sheriff and the parties or any of them. 30

(4) Upon the service of an interpleader civil bill, any action brought in any court in respect of the claim or of any damage arising out of the execution of the process shall be stayed.

(5) If the claimant deposits with the under-sheriff the amount for which the process was issued or, in the event of the 35 value of the goods and chattels as determined by the under-sheriff or by an appraiser appointed by the under-sheriff being less than that amount, a sum equal to the value as so determined, the under-sheriff shall withdraw from the possession of the goods

and chattels and the sum deposited shall be disposed of in the manner directed by the county court judge. A.D. 1920.

If the claimant does not make such deposit as aforesaid, it shall be lawful for the clerk of the crown and peace or the county court judge, at any time after the service of an interpleader civil bill, upon application made by the execution creditor on notice to the claimant and the under-sheriff or by the under-sheriff on notice to the parties, to make an order for the sale of all or any of the goods and chattels by the under-sheriff, subject to such conditions as respects the giving of security by the execution creditor or otherwise as the clerk of the crown and peace or judge thinks proper.

(6) An order made by a county court judge on an interpleader civil bill (other than an order for the sale of goods and chattels) shall be subject to the like appeal as an order made on an ordinary civil bill, and the enactments relative to such appeals shall apply accordingly, and subject thereto the order shall be final and conclusive as between the parties and as between them or either of them and the under-sheriff.

(7) At any time after the service of an interpleader civil bill the clerk of the crown and peace may, on consent of the parties and under-sheriff, exercise any power or jurisdiction which, under this section, would be exercisable by the county court judge on the return of the civil bill.

(8) In the cities of Dublin, Belfast, and Cork the registrar of the civil bill court may, in the absence of the clerk of the crown and peace, exercise any power or jurisdiction of the clerk of the crown and peace under this section.

(9) Rules of court may regulate the practice and procedure under this section including costs and expenses.

(10) Section one hundred and fifty of the Civil Bill Courts (Ireland) Act, 1851, is hereby repealed.

8.—(1) The power of a county court judge under section one hundred and fifty-one of the Civil Bill Courts (Ireland) Act, 1851, to fine an under-sheriff who is guilty of any breach of duty in the execution of that Act shall be extended so as to include a power to fine an under-sheriff who is guilty of any breach of duty in the execution of section sixteen, section nineteen, or section twenty of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864.

Power of county court judges to enforce performance of duties of under-sheriffs.
14 & 15 Vict. c. 57.
27 & 28 Vict. c. 99.

A.D. 1920.

(2) Subject to rules of court a county court judge may make an order requiring an under-sheriff to return within the period specified in the order any process of a civil bill court which has been delivered to him for execution, with the appropriate statement as to the execution or non-execution thereof endorsed thereon, and for that purpose and for the purpose of punishing any disobedience of such order the county court judge shall have and may exercise all such powers as may be exercised by the King's Bench Division of the High Court in relation to writs of execution of that court.

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Salaries of
process
servers.
14 & 15 Vict.
c. 57.

9. The salary payable to a process server under section seventeen of the Civil Bill Courts (Ireland) Act, 1851, shall, in the case of a process server who is also a bailiff, be at the rate of forty pounds a year so long as he holds both offices.

Adaptation
of enact-
ments.

10.—(1) The Lord Lieutenant may by Order in Council make such adaptations of any enactments relative to sheriffs or under-sheriffs as appear to him to be necessary or proper for carrying this Act into effect.

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(2) The second proviso to section five of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, is hereby repealed.

Interpre-
tation.

11. In this Act, unless the context otherwise requires:—

References to county court judges include references to recorders;

The expression "process of a civil bill court" means any decree, dismissal, or other order made by a civil bill court or on an appeal from such court;

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The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities;

The expression "duties" includes responsibilities, obligations, and liabilities;

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The expression "existing" means holding office on the passing of this Act.

Short title,
extent, and
commence-
ment.

12.—(1) This Act may be cited as the Sheriffs (Ireland) Act, 1920, and shall apply to Ireland only.

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(2) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Lord Lieutenant may by Order in Council appoint, and different days may be appointed for different purposes and for different areas.

SCHEDULE.

A.D. 1920.

	£	s.	d.	
On every decree, dismissal, renewal, or order (save those in ejectment cases or orders or writs of restitution as to lands):—				Such fees to be paid to the clerk of the crown and peace for the account of the under sheriff by the person in whose favour the decree is pronounced before he shall be entitled to receive the same, and to be taxed at foot of the decree as portion of the costs payable by the party against whom such decree shall be pronounced.
5 For any sum not exceeding 20s.	0	1	2	
Exceeding 20s. - - -	0	2	0	
10 On every decree, dismissal, and renewal in ejectment cases, and on every order or writ of restitution as to lands.	0	2	6	